

then in a newspaper printed and published at the capital of the state.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 1, 1867.

CHAPTER LXIX.

March 7, 1867 *An Act to provide for service of process in certain cases.*

SECTION 1.—How heirs of parties deceased to be proceeded against.

2.—Duties of courts in reference to rights of heirs.

3.—Orders, judgment, etc., to be valid.

4.—Heirs may defend action within certain time.

5.—When act shall take effect.

Be it enacted by the Legislature of the State of Minnesota:

How proceeded
against

SECTION 1. That when the heirs of a deceased person are proper parties defendant to any action relating to real property in this state, and when the names and residences of such heirs are unknown, such heirs may be proceeded against under the name and title of "The unknown heirs" of the deceased.

Court may grant
order

SEC. 2. Upon presenting an affidavit to the court or judge showing to his satisfaction that the heirs of such deceased person are proper parties to the action, and that their names and residences cannot with use of reasonable diligence be ascertained, such court or judge may grant an order that service of the summons in such action be made on such "unknown heirs" by publication thereof in the same manner as in actions against non-resident defendants.

Amendment

SEC. 3. Any order, judgment or decree made or

rendered in any such case shall be valid and binding on such unknown heirs whether they be of age or minors. Decrees to be binding

SEC. 4. Such heirs may on application to the court, and on sufficient cause shown, be allowed to defend such action at any time within one year after the rendition of judgment thereon; *Provided*, That if it shall appear that such heirs were minors at the time such judgment was rendered, they may be allowed to defend the action at any time within two years from the day of their becoming of age. Heirs may defend

SEC. 5. This act shall take effect and be in force immediately.

Approved March 7, 1867.

CHAPTER LXX.

An Act to enable foreign executors or administrators to discharge mortgages of land within this state. March 7, 1867.

SECTION 1.—Executors may file copy of appointment.

2.—When act shall take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. An executor or administrator appointed in another state, or in a foreign country, on the estate of a person dying out of this state, upon whose estate there is no executor or administrator appointed in this state, may file an authenticated copy of his appointment in the office of the register of deeds of any county in this state in which any mortgage or mortgages belonging to the estate of the deceased is recorded, after which he may release and discharge of record such mortgage or mortgages, in the same manner as the deceased might have done while living. Executor to file copy of appointment